THE PREVENTION OF CRUELTY TO ANIMALS, THE BOMBAY DISTRICT POLICE AND THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1946.

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BOMBAY ACT No. XXVIII OF 1946.[1]

[THE PREVENTION OF CRUELTY TO ANIMALS, THE BOMBAY DISTRICT POLICE AND THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1946.]

[*20th November 1946.*]

An Act to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the Province of Bombay, the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902.

XI of 1890. Bom. IV of 1890. Bom. IV of 1902. WHEREAS it is expedient to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the Province of Bombay, the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Prevention of Cruelty to Animals, the Bombay District Police and the City of Bombay Police (Amendment) Act, 1946.

Repeal of amendments made by Bom. XIII of 1922, Bom. IX of 1923, Bom. XI of 1928 and Bom. III of 1933 in Act XI of 1890.

Bom XIII of 1922. Bom. IX of 1923. Bom. III of 1933. Bom. XI of 1928. XI of 1890. 2. The Prevention of Cruelty to Animals (Bombay Amendment) Act, 1922, the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1923, and the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1933, and the amendments made by these Acts and by the Bombay Repealing and Amending Act, 1928, in the Prevention of Cruelty to Animals Act, 1890 (hereinafter referred to as the principal Act), are hereby repealed.

Amendment of section 6-B of Act XI of 1890.

3. In section 6-B of the principal Act—

(*i*) in sub-section (*4*), after the words "an animal", the words, brackets and figures "for purposes of examination by the Veterinary Officer referred to in sub-section (*2*) or (*3*), or" shall be inserted;

(*ii*) for sub-section (*5*), the following shall be substituted, namely:—

"(*5*) (*a*) If, in the case of an animal directed to be destroyed or sent to a *pinjrapole* under sub-section (*2*) the owner refuses or neglects to pay the costs which he is liable to pay under sub-section (*4*), such costs shall be recoverable from him as a fine on the order of a Magistrate, provided that no such order shall be made without the owner being given a reasonable opportunity of showing cause before the Magistrate why such costs should not be recovered;

(*b*) if, in the case of an animal directed to be sent to an infirmary under sub-section (*2*) and certified under sub-section (*3*) to be fit for discharge from the infirmary, the owner refuses or neglects to remove the animal within such time as a Magistrate may prescribe or to pay the costs which he is liable to pay under sub-section (*4*), the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such costs.";

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 57; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1946, Vol. IX; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. X.

(*iii*) after sub-section (*6*), the following shall be inserted, namely :—

" (*7*) If the costs payable by the owner under sub-section (*4*) shall exceed the proceeds of such sale, the excess amount to such extent as shall seem reasonable to the Magistrate shall be recoverable from the owner as a fine on the order of the Magistrate, provided that no such order shall be made without the owner being given a reasonable opportunity of showing cause before the Magistrate why such amount should not be recovered".

Amendment of section 11 of Act XI of 1890.

4. In section 11 of the principal Act, after the words " offence to ", the words " abandon or " shall be inserted.

5-6. [*The amendments made by sections 5 and 6 of this Act have been incorporated in the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, respectively.*]